

Message Text

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14

ORIGIN EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 AGR-10 CEA-01

CIAE-00 COME-00 DODE-00 FRB-01 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05 CIEP-02 SS-15

STR-04 ITC-01 TRSE-00 USIA-15 PRS-01 SP-02 OMB-01

SEC-01 FTC-01 AF-08 ARA-10 EA-09 NEA-10 /159 R

DRAFTED BY EB/OT/STA:MCJONES:JH

APPROVED BY EB/OT/STA:MHGOLDMAN

EUR/EE:DMILLER

EB/OT/EWT:GBOUTEN

EUR/NE:KSHIRLEY

EUR/WE:EBEIGEL

EUR/RPE:ECASEY

DOC:SLOTARSKI

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R 262338Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY PARIS

AMEMBASSY BRUSSELS

AMEMBASSY WARSAW

INFO USMISSION EC BRUSSELS

USMISSION GENEVA

USDEL MTN GENEVA

USMISSION OECD PARIS

UNCLAS STATE 184956

E.O. 11652: N/A

TAGS: ETRD, FR, BE, PL

SUBJECT: SECTION 337 INVESTIGATION -- CHICORY ROOT FROM
FRANCE, BELGIUM AND POLAND

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1. THE U.S. INTERNATIONAL TRADE COMMISSION PUBLISHED IN

THE FEDERAL REGISTER ON JULY 16 THE FOLLOWING NOTICE OF INITIATION OF INVESTIGATION UNDER SECTION 337 OF TARIFF ACT OF 1930 AS AMENDED. BEGIN TEXT:

A COMPLAINT WAS FILED WITH THE UNITED STATES INTERNATIONAL TRADE COMMISSION ON JUNE 11, 1976, UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED, ON BEHALF OF R.E. SCHANZER CORPORATION, 602-16 SOUTH PETERS STREET, NEW ORLEANS, LOUISIANA 70130 (COMPLAINANT), ALLEGING THAT THERE EXIST UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS IN THE IMPORTATION OF CRUDE AND/OR PREPARED CHICORY ROOT INTO THE UNITED STATES, OR IN ITS SALE, BY REASON OF (1) A COMBINATION OR CONSPIRACY OR AN ATTEMPT TO RESTRAIN OR MONOPOLIZE TRADE AND COMMERCE IN THE UNITED STATES; (2) A SYSTEMATIC EFFORT TO IMPORT OR SELL PREPARED CHICORY ROOT AT LESS THAN MARKET OR WHOLESALE PRICES IN OTHER COUNTRIES; (3) A DISCRIMINATION IN PRICES BETWEEN PURCHASERS OR A DISCRIMINATION IN PRICES AGAINST COM-

PLAINANT; (4) A SYSTEMATIC EFFORT TO FORM JOINT VENTURES AND ACQUIRE DIRECT OR INDIRECT CONTROL OF COMPLAINANT; (5) A SYSTEMATIC EFFORT TO SELL PREPARED CHICORY AT LESS THAN ITS FAIR VALUE OR BELOW ITS COST OF PRODUCTION; AND (6) A REFUSAL TO DEAL. COMPLAINANT FURTHER ALLEGES THAT THE EFFECT OR TENDENCY OF ONE OR MORE OF THE ALLEGED UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS IS TO DESTROY OR SUBSTANTIALLY INJURE AN EFFICIENTLY AND ECONOMICALLY OPERATED U.S. CHICORY ROOT PROCESSING INDUSTRY; TO RESTRAIN OR MONOPOLIZE TRADE AND COMMERCE IN THE UNITED STATES PERTAINING TO THE PROCESSING AND SALE OF CRUDE OR PREPARED CHICORY ROOT, OR TO PREVENT THE ESTABLISHMENT OF A U.S. CRUDE CHICORY INDUSTRY. THE COMPLAINANT REQUESTS THAT THE COMMISSION ISSUE BOTH A TEMPORARY AND A PERMANENT EXCLUSION ORDER AGAINST THE OFFENDING PREPARED CHICORY ROOT OR THAT IT ISSUE A CEASE AND DESIST ORDER TO EACH PERSON INVOLVED IN THE UNFAIR METHODS OR ACTS COMPLAINED OF. IN ADDITION, THE COMPLAINANT REQUESTS THAT THE COMMISSION EXPEDITE ITS INVESTIGATION AND GRANT IMMEDIATE RELIEF IN THE FORM OF A TEMPORARY EXCLUSION ORDER NO LATER THAN AUGUST 15, 1976. UNCLASSIFIED

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HAVING CONSIDERED THE COMPLAINT, THE UNITED STATES INTERNATIONAL TRADE COMMISSION ON JULY 8, 1976, ORDERED-

1. THAT PURSUANT TO SUBSECTION (B) OF SECTION 337 OF THE

TARIFF ACT OF 1930, AS AMENDED (19 U.S.C. 1337), AN INVESTIGATION BE INSTITUTED TO DETERMINE WHETHER, ON THE

BASIS OF THE ALLEGATIONS SET FORTH IN THE COMPLAINT, THERE IS A VIOLATION OF THIS SECTION BY REASON OF UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS IN THE IMPORTATION OF THE AFOREMENTIONED CRUDE OR PREPARED CHICORY ROOT INTO THE UNITED STATES, OR IN ITS SALE.

2. THAT, FOR THE PURPOSE OF THE INVESTIGATION SO INSTITUTED,

ALAIN LEROUX, ORCHIES (NORD), FRANCE
CHICOREE LEROUX, ORCHIES (NORD), FRANCE
CICHOREI DE BEUKELAAR, LEYSSTRAAT 24-26, B-2000 ANTWERP,
BELGIUM.
ROLIMPEX, AORE GN TRADE ENTERPRISE, AL. JEROZOLIMSKIE 44,
00-024 WARSAW, POLAND

WHICH ARE ALLEGED TO HAVE ENGAGED IN OR TO BE ENGAGING IN THE UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS COMPLAINED OF, ARE HEREBY NAMED AS RESPONDENTS UPON WHOM THE COMPLAINT AND THIS NOTICE ARE TO BE SERVED.

3. THAT, FOR THE PURPOSES OF THE INVESTIGATION SO INSTITUTED, MYRON R. RENICK, UNITED STATES INTERNATIONAL TRADE COMMISSION, 701 E STREET NW., WASHINGTON, D.C. 20436, IS HEREBY APPOINTED AS PRESIDING OFFICER.

4. THAT, FOR PURPOSES OF THE INVESTIGATION SO INSTITUTED, CHARLES F. SCHILL, UNITED STATES INTERNATIONAL TRADE COMMISSION, 701 E STREET NW., WASHINGTON, D.C. 20436, IS HEREBY NAMED AS COMMISSION INVESTIGATIVE ATTORNEY.

RESPONSES MUST BE SUBMITTED BY PARTIES IN ACCORDANCE WITH 210.21 OF THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE, AS AMENDED (41 FR 17710, APR. 27, 1976) (RULES).
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SUCH RESPONSES WILL BE CONSIDERED BY THE COMMISSION IF RECEIVED NOT LATER THAN 20 DAYS AFTER THE DATE OF SERVICE OF THE COMPLAINT PURSUANT TO 201.16(D) OF THE RULES.

EXTENSIONS OF TIME FOR SUBMITTING A RESPONSE OR SUBMISSION WILL NOT BE GRANTED UNLESS GOOD AND SUFFICIENT CAUSE IS SHOWN THEREFOR.

FAILURE OF A RESPONDENT TO FILE A RESPONSE WITHIN THE TIME PROVIDED TO EACH OF THE ALLEGATIONS WHICH ARE THE SUBJECT TO THIS INVESTIGATION AS SET FORTH IN THIS NOTICE, TAKING INTO CONSIDERATION THE APPLICABLE DETAIL OF THE ALLEGATIONS IN THE COMPLAINT, MAY BE DEEMED TO CONSTITUTE A WAIVER OF ITS RIGHTS TO APPEAR AND CONTEST SUCH ALLEGATIONS AND SHALL AUTHORIZE THE COMMISSION, WITHOUT FURTHER

NOTICE TO THE RESPONDENT, TO FIND THE FACTS TO BE AS
ALLEGED AND TO ENTER AN ORDER CONTAINING SUCH FINDINGS.

5. THAT, FOR THE PURPOSES OF THIS INVESTIGATION, NOTICE
IS HEREBY GIVEN THAT A HEARING ON TEMPORARY RELIEF WILL
BE HELD ON AUGUST 11, 1976, AT 9:30 A.M. IN THE COMMISSION
HEARING ROOM (NO. 331), 701 E STREET NW., WASHINGTON, D.C.
20436. THE COMMISSION'S PRESIDING OFFICER SHALL ISSUE A
RECOMMENDED DETERMINATION BY AUGUST 16, 1976, AND THE
COMMISSION SHORTENS TO FOUR (4) DAYS THE PERIOD TO BE
ALLOWED FOR FILING EXCEPTIONS TO THE RECOMMENDED DETERMINA-
TION AND ALTERNATIVE FINDINGS OF FACT AND CONCLUSIONS
OF LAW UNDER 210.54 OF THE COMMISSION'S RULES. THE
COMMISSION SHALL ISSUE ITS DETERMINATION BY AUGUST 25,
1976.

THE COMPLAINT, WITH THE EXCEPTION OF CONFIDENTIAL INFORMA-
TION REFERRED TO THEREIN, IS AVAILABLE FOR INSPECTION BY
INTERESTED PERSONS AT THE OFFICE OF THE SECRETARY
LOCATED IN THE UNITED STATES INTERNATIONAL TRADE COMMIS-

SION BUILDING, WASHINGTON, D.C. AND IN THE NEW YORK CITY
OFFICE OF THE COMMISSION, LOCATED AT 6 WORLD TRADE CENTER.

BY ORDER OF THE COMMISSION.

ISSUED: JULY 13, 1976

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END TEXT.

2. POSTS WILL BE ADVISED OF ANY SIGNIFICANT DEVELOPMENTS
ASAP. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, TRADE, IMPORTS, ROOT CROPS, TARIFFS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE184956
Document Source: CORE
Document Unique ID: 00
Drafter: MCJONES:JH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760288-0568
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760720/aaaaarri.tel
Line Count: 206
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: hackerp0
Review Comment: n/a
Review Content Flags:
Review Date: 26 FEB 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 FEB 2004 by ThomasVJ>; APPROVED <07 JAN 2005 by hackerp0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SECTION 337 INVESTIGATION -- CHICORY ROOT FROM FRANCE, BELGIUM AND POLAND
TAGS: ETRD, FR, BE, PL, R E SCHANZER CORP
To: PARIS
WARSAW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006